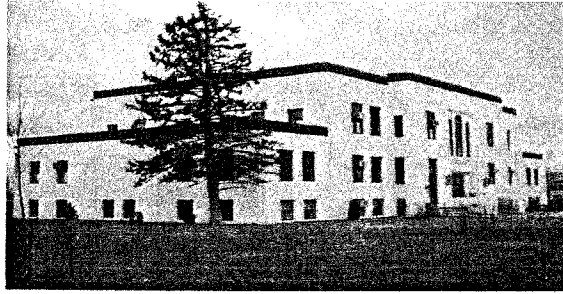


Roosevelt County

Commissioners:

James (Jim) Shanks – Chairman
Gary Macdonald – Member
Vickie Delger – Member



400 2nd Avenue South
Wolf Point, Mt. 59201
406-653-6246
Fax
406-653-6201

February 3, 2009

House Judiciary Committee
Hon. Ron Stoker, Chair
State Capital
Helena, Montana

Dear Committee Members:

We write with grave concern over House Bill 276 which purports to haphazardly place a gross burden upon counties and their taxpayers. As we discuss below there are several clear problems with the text of this bill.

First, Montana Deaconess Medical Center v. Johnson, 232 Mont. 474, 758 P.2d 756 (1988), the Montana Supreme Court opinion cited as a basis for House Bill 276, has been implicitly overruled by the United States Supreme Court. Therefore, the notion that the legislature has a mandatory obligation to place the payment of detainee medical costs on a county is without merit.

Second, county justice system officials enforce state law, not local law. If there is a governmental responsibility to pay detainee medical costs, it should be paid by the government that imposes the penalties—the state. Indeed, when criminal defendant's are convicted of felonies, fines and surcharges are paid to the state, not the counties.

Third, the three largest law enforcement groups in Montana include the Montana Highway Patrol, the Montana Department of Corrections probation and parole officers, and city police forces. This bill does not make any of these state or city agencies responsible for detainee medical costs, nor does it take into consideration the ways various law enforcement agencies are funded in Montana.

Indeed over the last several sessions the legislature has moved in a direction of state assumption of many activities in the justice system because of some of the reasons described above. For example, the state has now assumed the public defender's office and the operation of the courts. This bill runs contrary to that policy.

The members of the Committee have undoubtedly reviewed the information relating to specific cases that have arisen in Ravalli, Missoula and Yellowstone Counties demonstrating the financial impact that might be placed upon small counties like ours if this bill passes. Our county budget simply could not handle a situation like that and we have no ability to plan for such a catastrophe. Our only option would be to dedicate funds that would otherwise be spent on local services such as roads, bridges, and, unfortunately,

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law enforcement. In other words, this bill places us in the difficult position of being forced to decrease the number of officers available in our county in order to be able to pay an unforeseen detainee medical bill. Roosevelt County Sheriff Crawford current employs only 8 full-time deputies in a county with a population of over 10,000.

It is a bad policy to pass these state costs on to be paid with county funds, particularly when counties like ours have a very limited tax base due to the high proportion of federal property within our county.

We strongly urge you to vote against this bill.

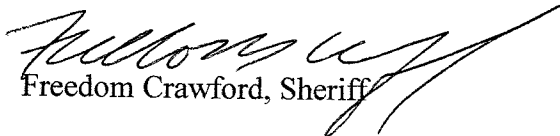
Sincerely,



James Shanks, Commissioner



Gary Macdonald, Commissioner



Freedom Crawford, Sheriff